

COMPLIANCE REVIEW

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CALIFORNIA PAROLE ADVOCACY PROGRAM



Prepared by:

California Department of Corrections and Rehabilitation  
Office of Audits and Compliance

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# STANDARDS FOR ATTORNEYS IN REVOCATION PROCEEDINGS/L.H. INJUNCTION

Standards for Attorneys in Revocation Proceedings (CN-426) and the California Standard Agreement Number 5600000233.

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Office of Audits and Compliance Staff  
Eric Fransham, Parole Agent III

Division of Juvenile Justice Subject Matter Expert  
Cynthia Chen, Staff Counsel

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## EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) utilized the Standards for Attorneys in Revocation Proceedings (CN-426) and the California Standard Agreement number 5600000233 to determine if the California Parole Advocacy Program (CalPAP) is in compliance with the policies that identify the Standards for Attorneys in Revocation Proceedings and the L.H. Injunction in reference to the juvenile representation by Counsel.

The review period for the Standards for Attorneys in Revocation Proceedings and the juvenile representation by Counsel in reference to the Injunction was August 1, 2009 through February 1, 2010 with fieldwork conducted from September 18, 2009 through February 1, 2010.

The CPRB concludes that CalPAP is in substantial compliance (SC) with the Standards for Attorneys in Revocation Proceedings and the L.H. Injunction in reference to the juvenile representation by Counsel.

The CPRB was unable to rate the administrative appeal process as none of the cases observed were appealed.

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## BACKGROUND

On September 13, 2006, an action was filed on behalf of the Plaintiffs and the class they represent, challenging the constitutionality of the Juvenile Parole Revocation process conducted by the Division of Juvenile Justice (DJJ), the Juvenile Parole Board (JPB), and the California Department of Corrections and Rehabilitation (CDCR). The Plaintiffs claim that Defendants: the State of California, CDCR, and its divisions, were denying claimants their Fourteenth Amendment rights to due process, Counsel, and equal protection in the granting, extending, and/or revoking of parole.

The Plaintiffs in the case of *L.H. v. Schwarzenegger* are a class of over 4,000 juvenile parolees under the jurisdiction of the DJJ who are either actively on parole or may be serving a revocation term.

On September 19, 2007, the Court granted the Plaintiffs' Motion for Partial Summary Judgment. The Court stated that the Juvenile Parole Revocation proceedings violated due process by failing to provide a Probable Cause Hearing (PCH) shortly after placement of the parole hold and that juveniles are generally entitled to greater protections as a result of their lack of education, experience, and skills.

On January 29, 2008, the Court held that the Defendants failure to appoint Counsel for all juvenile parolees under *Gagnon v. Scarpelli*, 411 U.S. 778 (1973) violated the due process rights of the Plaintiff class.

On June 3, 2008, the Court ordered that the Defendants develop standards, guidelines, and training for effective assistance of State-appointed Counsel in the Revocation Process that would include standards for panel administrations, training, continuing education, quality assurance, independence, statewide oversight, and individual representation.

The Stipulated Order for Permanent Injunctive Relief ("L.H. Injunction") that forms the basis for all policies and procedures, monitoring, and self-auditing efforts was approved by the court on October 7, 2008.

The Stipulated Order for Permanent Injunctive Relief states that the Defendants shall develop an appropriate compliance and self-monitoring team to ensure compliance with the terms of the injunction, and compliance with the policies and procedures developed pursuant to the injunction.

The CPRB will be reviewing specific items that make up the L.H. Injunction. The items that have been selected for review are based on risk to the Department. The review will be evaluated using a compliance rating system.

Each item will be evaluated by whether it is in SC, 85 percent and above, partial compliance (PC), 84 percent to 50 percent, or noncompliance (NC), 49 percent and below. Items that result in a yes or no compliance level will be rated as SC or NC. Items that cannot be rated will be categorized as not ratable (NR). Due to the diversity and occasional abstract content of the items being reviewed, a numeric rating system cannot always be utilized. As a result, a narrative rating system will be used to evaluate the level of compliance.

The specific objectives of the review were to determine whether:

CalPAP is in compliance with DJJ's policies pertaining to the Standards for Attorneys in Revocation Proceedings (CN-426) that addresses the L.H. Injunction in reference to the juvenile representation by Counsel, the right to subpoena witnesses and present evidence, and the right to question witnesses through appointed attorneys and appeal to the JPB.

The CPRB determined whether the objectives were met by reviewing:

- Standards for Attorneys in Revocation Proceedings (CN-426);
- The L.H. Injunction that relates to the juvenile representation by Counsel;
- The Office of the Special Master's Quarterly Reports on the Division of Juvenile Parole Operations (DJPO);
- L.H. Injunction sections pertaining to information obtained from interviews with CalPAP staff, Counsel, the DJPO, the JPB Scheduler, JPB staff, Hearing Officers (HO), parolees, reviewing audio recordings of hearings, relevant documents, appeal logs, CalPAP packets, the Regional Access Database, training manuals, JPB daily and monthly board agendas, and observing Revocation Board Hearings;
- Sample questionnaires and information obtained from field testing;
- The California Standard Agreement number 5600000233;
- JPB data, Juvenile Revocation Scheduling and Tracking System (JSTS), Board Orders data; and
- Witness lists.

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.01	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did CalPAP ensure the attorney was an active member in good standings with the California State Bar Association?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of CalPAP attorney data. CalPAP will provide auditors with a list of all CalPAP attorneys. Auditors will inquire as to the bar status of 10 percent of attorneys. CalPAP will provide confirmation of their bar status to auditors.</p> <p>Review State Bar website.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.02	<p><b>Item:</b></p> <p>Receipt and processing of the revocation packet by the attorney panel</p> <p><b>Question:</b></p> <p>Does CalPAP retrieve the client revocation packet from the JPB?</p> <p><b>Methodology:</b></p> <p>Review 10 percent sample from JSTS.</p> <p>Observe 10 percent of hearings.</p> <p>Obtain report from CalPAP to verify when packet was received.</p> <p><b>Criteria:</b></p> <p>CN-426, page 9.</p>	X			



## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.03	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did CalPAP or the attorney review the case for a potential legal conflict?</p> <p><b>Methodology:</b></p> <p>No specific data reports available. CalPAP will provide monthly statistics to auditors of total number of conflict cases assigned to CalPAP by DJJ.</p> <p><b>Criteria:</b></p> <p>CN-426, page 8.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.04	<p><b>Item:</b></p> <p>Receipt and processing of the revocation packet by the attorney panel</p> <p><b>Question:</b></p> <p>Did CalPAP communicate the name of the attorney assigned to the case to the JPB?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of CalPAP data.</p> <p>Review electronic mail correspondence between CalPAP and the DJJ Board Scheduler for 10 percent of cases.</p> <p><b>Criteria:</b></p> <p>CN-426, page 10.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.05	<p><b>Item:</b></p> <p>Receipt and processing of the revocation packet by the attorney panel</p> <p><b>Question:</b></p> <p>Does the attorney take steps to identify any previously undetected mental, physical, or cognitive disabilities that require an accommodation for his/her client?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p>Interview attorney.</p> <p><b>Criteria:</b></p> <p>CN-426, page 10.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.06	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did the attorney interview the client on or before the 12th business day after the parole hold was placed?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of CalPAP data.</p> <p><b>Criteria:</b></p> <p>CN-426, page 8.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.07	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did the attorney represent the client at the PCH?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 8.</p> <p>Injunction, page 10.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.08	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did the attorney enter pleas on behalf of the client?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p>Review 10 percent of JSTS data.</p> <p><b>Criteria:</b></p> <p>CN-426, page 12.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.09	<p><b>Item:</b></p> <p>Role of Counsel at the PCH</p> <p><b>Question:</b></p> <p>Did the attorney offer argument or evidence in mitigation?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 12.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.10	<p><b>Item:</b></p> <p>Role of Counsel at the PCH</p> <p><b>Question:</b></p> <p>If requested, did the attorney make factual and legal arguments as to why the client should not be kept in custody pending the Revocation Hearing?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page12.</p>	X			



## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.11	<p><b>Item:</b></p> <p>Role of Counsel at the PCH</p> <p><b>Question:</b></p> <p>Did the attorney attempt to negotiate dispositions with the JPB?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 12.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.12	<p><b>Item:</b></p> <p>Role of Counsel at the PCH</p> <p><b>Question:</b></p> <p>At the conclusion of the PCH, did the attorney discuss the proposed witness list with the Institutional Hearing Officer (IHO) and, if requested, make an offer of proof as to why each witness was necessary and relevant?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 13.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.13	<p><b>Item:</b></p> <p>Subpoenaing witnesses to appear at the Revocation Hearing</p> <p><b>Question:</b></p> <p>In the event that a witness was identified after the PCH, did the attorney notify the JPB Revocation Desk and receive approval from an IHO to issue a subpoena?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 13.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.14	<p><b>Item:</b></p> <p>Subpoenaing witnesses to appear at the Revocation Hearing</p> <p><b>Question:</b></p> <p>Were the client's witnesses subpoenaed for the Revocation Hearing?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of CalPAP records and copies of the subpoenas.</p> <p>Auditors will provide a list of 10 percent of Revocation Hearings with witnesses to CalPAP and CalPAP will provide auditors with copies of subpoenas and proof of service for those cases.</p> <p>Run report in JSTS and provide list to CalPAP. (Look at list of defense hearings that took place.)</p> <p><b>Criteria:</b></p> <p>CN-426, page 13.</p> <p>Injunction, page 11.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.15	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did the attorney represent the client at the Revocation Hearing?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of Board Orders.</p> <p>Review hearing audio/tape recordings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 8.</p> <p>Injunction, page 10.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.16	<p><b>Item:</b></p> <p>Role of Counsel at the Revocation Hearing</p> <p><b>Question:</b></p> <p>Did the attorney enter pleas on behalf of the client?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of hearing audio recordings or observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 14.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.17	<p><b>Item:</b></p> <p>Role of Counsel at the Revocation Hearing</p> <p><b>Question:</b></p> <p>In a case where witnesses were present, did the attorney question or cross-examine the witnesses?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of hearing audio recordings or observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 14.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.18	<p><b>Item:</b></p> <p>Role of Counsel at the Revocation Hearing</p> <p><b>Question:</b></p> <p>Did the attorney make any legal or factual arguments and/or objections?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of Board Orders and hearing audio recordings or observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 14.</p>	X			



## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.1.19	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>If the HO sustained the charges, did the attorney present evidence in mitigation?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of hearing audio recordings and 10 percent of Board Orders or observe hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, pages 14.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR	Reviewer's Comments
50	50.1.20	<p><b>Item:</b></p> <p>Minimum attorney standards/Revocation Extension Hearings</p> <p><b>Question:</b></p> <p>If the attorney filed an administrative appeal, was it timely?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of appeal logs from DJJ.</p> <p>Review State appeal log.</p> <p><b>Criteria:</b></p> <p>CN-426, pages 8 and 18.</p> <p>Injunction, page 13.</p>				X	The CPRB was unable to rate the administrative appeal process as there have been no ADA grievances filed.

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.01	<p><b>Item:</b></p> <p>Revocation Extension PCH</p> <p><b>Question:</b></p> <p>Was the copy of the Revocation Extension packet provided to the parolee properly redacted?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of the redacted CalPAP packets.</p> <p><b>Criteria:</b></p> <p>CN-426, page 14.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.02	<p><b>Item:</b></p> <p>Role of Counsel in Revocation Extension Proceedings</p> <p><b>Question:</b></p> <p>Does the attorney take steps to identify any previously undetected mental, physical, or cognitive disabilities that require an accommodation for his client?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p>Interview attorney.</p> <p><b>Criteria:</b></p> <p>CN-426, page 15.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.03	<p><b>Item:</b></p> <p>Role of Counsel in Revocation Extension Proceedings</p> <p><b>Question:</b></p> <p>Did the attorney represent the client at the Revocation Extension PCH?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of Board Orders.</p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 16.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.04	<p><b>Item:</b></p> <p>Revocation Extension PCH</p> <p><b>Question:</b></p> <p>Did the attorney enter pleas on behalf of the client?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p>Review JSTS status reports.</p> <p><b>Criteria:</b></p> <p>CN-426, page 16.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.05	<p><b>Item:</b></p> <p>Revocation Extension PCH</p> <p><b>Question:</b></p> <p>Did the attorney offer argument or evidence in mitigation?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 16.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.06	<p><b>Item:</b></p> <p>Revocation Extension PCH</p> <p><b>Question:</b></p> <p>If probable cause was found, did the attorney inform the IHO whether the client wished to accept the Revocation Extension Assessment or schedule a Revocation Extension Hearing?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p>Review CalPAP original forms used by attorney and client to ensure accurately captured in JSTS.</p> <p>Review DJJ form.</p> <p><b>Criteria:</b></p> <p>CN-426, page 16.</p>	X			



## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.07	<p><b>Item:</b></p> <p>Subpoenaing witnesses to appear at the Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>At the conclusion of the Revocation Extension PCH, did the attorney discuss the proposed witness list with the IHO and, if requested, make an offer of proof as to why each witness was necessary and relevant?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of the hearings. Note- there will be some cases where a witness will not be called.</p> <p><b>Criteria:</b></p> <p>CN-426, page 16.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.08	<p><b>Item:</b></p> <p>Revocation Extension PCH</p> <p><b>Question:</b></p> <p>In the event that a witness was not identified at the PCH, did the attorney notify the JPB Revocation Desk and receive approval from an HO to issue the subpoena?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 16.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.09	<p><b>Item:</b></p> <p>Subpoenaing witnesses to appear at the Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>Were the client's witnesses subpoenaed for the Revocation Extension Hearing?</p> <p><b>Methodology:</b></p> <p>Auditors will provide a list of 10 percent of Revocation Hearings with witnesses to CalPAP and CalPAP will provide auditors with copies of subpoenas and proof of service for those cases.</p> <p>Review hearing audio/tape recordings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 16.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.10	<p><b>Item:</b></p> <p>Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>Did the attorney represent the client at the Revocation Extension Hearing?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of Board Orders.</p> <p><b>Criteria:</b></p> <p>CN-426, page 17.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.11	<p><b>Item:</b></p> <p>Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>Did the attorney enter pleas on behalf of the client?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of Board Orders and the hearing audio recordings or observe hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 17.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.12	<p><b>Item:</b></p> <p>Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>In the case where witnesses were present, did the attorney question or cross examine witnesses?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of the hearing audio recordings or observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 17.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.13	<p><b>Item:</b></p> <p>Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>Did the attorney make any legal or factual arguments and/or objections?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of the hearing audio recordings and Board Orders or observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 18.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.14	<p><b>Item:</b></p> <p>Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>If the hearing officer sustained the charges, did the attorney present evidence in mitigation?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of the hearing audio recordings or observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 17.</p>	X			



## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.15	<p><b>Item:</b></p> <p>Revocation Extension Hearing</p> <p><b>Question:</b></p> <p>Did the attorney make a closing argument?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of the hearing audio recordings or observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, pages 17.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR	Reviewer's Comments
50	50.2.16	<p><b>Item:</b></p> <p>Attorney panel</p> <p><b>Question:</b></p> <p>If the attorney filed an administrative appeal, was it timely?</p> <p><b>Methodology:</b></p> <p>Review 10 percent of DJJ appeal logs.</p> <p>Review State appeal log.</p> <p><b>Criteria:</b></p> <p>CN-426, pages 8 and 18.</p> <p>Injunction, page 13.</p>				X	The CPRB was unable to rate the administrative appeal process as there have been no ADA grievances filed.

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.17	<p><b>Item:</b></p> <p>Other Counsel</p> <p><b>Question:</b></p> <p>Was the attorney gate clearance information provided to DJJ and CDCR institutions?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 19.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.18	<p><b>Item:</b></p> <p>Other Counsel</p> <p><b>Question:</b></p> <p>Did the attorney follow the procedures for scheduling a client interview?</p> <p><b>Methodology:</b></p> <p>Observe 10 percent of hearings.</p> <p><b>Criteria:</b></p> <p>CN-426, page 20.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.19	<p><b>Item:</b></p> <p>Access to the parole-client's file</p> <p><b>Question:</b></p> <p>If an attorney sought to schedule a confidential telephone call at a DJJ facility, did he/she send a written, faxed, or electronic mail request to schedule the telephone call?</p> <p><b>Methodology:</b></p> <p>Review institutional Parole Agent (PA) III's log.</p> <p><b>Criteria:</b></p> <p>CN-426, page 20.</p> <p>I&amp;C Manual, Sections 5775 and 5780.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.2.20	<p><b>Item:</b></p> <p>Access to the parole-client's file</p> <p><b>Question:</b></p> <p>If an attorney conducted a client file review, did the attorney follow the CN-426 for reviewing those files?</p> <p><b>Methodology:</b></p> <p>Review gate clearance and request log in institutional PA III's office.</p> <p>Interview institutional PA III's.</p> <p><b>Criteria:</b></p> <p>CN-426, page 20.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.01	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did the attorney represent their client zealously?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.02	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Did the attorney adhere to the California Rules of Professional Conduct?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			



## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.03	<p><b>Item:</b></p> <p>Minimum attorney standards</p> <p><b>Question:</b></p> <p>Are attorneys trained on the CN-426?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.04	<p><b>Item:</b></p> <p>Training</p> <p><b>Question:</b></p> <p>Are attorneys trained on the L.H. Permanent Injunction?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 6.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.05	<p><b>Item:</b></p> <p>Training/Minimum standards</p> <p><b>Question:</b></p> <p>Are attorneys trained on the effective communication and disability accommodations to ensure the client understands the revocation process, the charges, any defenses to those charges and the potential disposition including, but not limited to, the Return to Custody Assessment?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, pages 6 and 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.06	<p><b>Item:</b></p> <p>Training</p> <p><b>Question:</b></p> <p>Are attorneys trained on institution security?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 6.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.07	<p><b>Item:</b></p> <p>Minimum standards</p> <p><b>Question:</b></p> <p>Did the attorney advise the client regarding possible options and defenses for his parole revocation proceeding?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.08	<p><b>Item:</b></p> <p>Minimum standards</p> <p><b>Question:</b></p> <p>Did the attorney protect the confidentiality of both attorney-client communication and client information?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.09	<p><b>Item:</b></p> <p>Minimum standards</p> <p><b>Question:</b></p> <p>Did the attorney keep the client informed as to the charges, the evidence against him, and offers that have been proposed by the JPB, communicating with the client as often as needed and practicable?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.10	<p><b>Item:</b></p> <p>Minimum standards</p> <p><b>Question:</b></p> <p>Did the attorney explain the risks and benefits of optionally waiving a Revocation Hearing to clients with pending criminal charges?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			



## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.11	<p><b>Item:</b></p> <p>Minimum standards</p> <p><b>Question:</b></p> <p>Did the attorney preserve the client's constitutional rights?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.12	<p><b>Item:</b></p> <p>Minimum Standards</p> <p><b>Question:</b></p> <p>Did the attorney investigate the allegations and possible defenses including any circumstances in mitigation that may be presented on the client's behalf?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 7.</p>	X			

## CPRB Remedial Site Compliance Report

Section	Item	Auditing Method	SC	PC	NC	NR
50	50.3.13	<p><b>Item:</b></p> <p>Minimum standards</p> <p><b>Question:</b></p> <p>Did the attorney make relevant, appropriate legal objections?</p> <p><b>Methodology:</b></p> <p>Review CalPAP manual and agenda.</p> <p><b>Criteria:</b></p> <p>CN-426, page 8.</p>	X			

## Review of the Standards for Attorneys in Revocation Proceedings

### CALIFORNIA PAROLE ADVOCACY PROGRAM

#### GLOSSARY

<b>ADA</b>	Americans with Disabilities Act
<b>CalPAP</b>	California Parole Advocacy Program
<b>CDCR</b>	California Department of Corrections and Rehabilitation
<b>CPRB</b>	Compliance/Peer Review Branch
<b>DJJ</b>	Division of Juvenile Justice
<b>DJPO</b>	Division of Juvenile Parole Operations
<b>HO</b>	Hearing Officer
<b>IHO</b>	Institutional Hearing Officer
<b>JPB</b>	Juvenile Parole Board
<b>JSTS</b>	Juvenile Revocation and Tracking System
<b>NC</b>	Non Compliance
<b>NR</b>	Not Ratable
<b>PA</b>	Parole Agent
<b>PC</b>	Partial Compliance
<b>PCH</b>	Probable Cause Hearing
<b>SC</b>	Substantial Compliance